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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,775	05/04/2001	Mark A. Leach	17698-0004	9880

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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,775

Applicant(s)

LEACH, MARK A.

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 28 is/are allowed.
- 6) ☒ Claim(s) 15-27 and 29-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The indicated allowability of claims 15-27, 29-80 is withdrawn in view of the newly discovered reference to Quigley (US 6,583,720 B1). Rejections based on the newly cited reference follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 15-21, 23-24, 26-27, 29-37, 47, 49-50, 52-53, 55-66, 76-80 are rejected under 35 U.S.C. 102(e) as being anticipated by Quigley (US 6,583,720 B1).

Regarding claims 15-16, Quigley discloses a system (home monitoring system) comprising:

a power status notification device (command console 10 monitors the status of power via an electricity sensor 24 which detects the loss of electricity on an individual outlet (col. 3, lines 50-56; col. 6, lines 57-63);

a telecommunications network (PSTN; col. 5, lines 19-21); and

an integrated voice response system (IVR system of customer service center 12; col. 5, lines 19-27; the command console 10 communicates a detected power outage to the customer service center 12 via the PSTN; col. 7, lines 31-43).

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Regarding claims 17-19, Quigley teaches the use of computer 154 which sends configuration information to the home monitoring system (col. 18, lines 56-60).

Regarding claims 20-21, 23-24, 26-27, Quigley teaches generating a power status report to a display or printer (col. 5, lines 32-41) or voice telephone (col. 4, lines 65-67).

Regarding claims 29-37, 47, 49-50, 52-53, 58-66, 76, 80 recite steps which are carried out by the home monitoring system as described above (see col. 12, line 12 – col. 14, line 46 for communication protocol details between the command console 10 and customer service center 12).

Regarding claims 55-57, 77-79, Quigley teaches waiting a programmed response time before reporting an outage, the response time can be set in hour or 5 minute increments (col. 7, lines 23-24; col. 6, lines 63-66).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22, 25, 40-41, 48, 51, 57, 69-70, 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quigley in view of Leach (US 6,137, 868).

Quigley differs from claims 22 and 48 in that it does not specify reporting to a pager and from claims 25 and 51 in that it does not specify reporting to a fax machine. However, Leach teaches the desirability of reporting a power outage to either a pager 26 or a fax machine 28

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(Abstract; col. 3, line 56 – col. 4, line 16) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of a pager or facsimile machine, as taught by Leach, within the system of Quigley as an alternative to a telephone for receiving a notification message.

Quigley differs from claims 40-41, 69-70 in that it does not specify the outage report as including location information. However, Leach teaches the desirability of including location information within the outage report (col. 3, lines 36-40; col. 1, line 64 – col. 2, line 5) such that it would have been obvious to an artisan of ordinary skill to incorporate location information within an outage report in order to assist utility personnel.

6. Claims 38-39, 42-46, 67-68, 71-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quigley in view of Smith (US 5,317,620).

Quigley differs from claims 38-39, 42-46, 67-68, 71-75 in that it does not specify the use of tones. However, Smith teaches the well known use of DTMF tones for communicating status information (col. 11, line 48 – col. 12, line 66) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of DTMF tones, as taught by Quigley, within the system of Smith for communication the power status information.

7. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Quigley in view of Menard et al. (US 6,563,910 B2).

Quigley differs from claim 54 in that it does not provide for a World Wide Web browser. However, Menard teaches the desirability of reporting sensed data in the form a web site to be viewed using a web browser (Abstract; col. 4, lines 42-54; col. 12, lines 8-36) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a website and

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browser, as taught by Menard, in order to provide a user-friendly means of viewing event data from any Internet-connected computer.

Allowable Subject Matter

8. Claims 1-14 and 28 are allowed.

9.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ardalan et al. show viewing utility data using a web browser. Meares, Jr. shows the use of DTMF tones for reporting alarm conditions.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo
Primary Examiner
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